IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 6520 of 1995

Between:

Ms.P.Parvathi D/o.P.Ramdas
R/o.Visakhapatnam.

..... PETITIONER

AND

1 The General Manager Dept of Tele-Communications,
Visakhapatnam.
2 The Accounts Officer Tele-Communications,
Daba Gardens, Visakhapatnam.
3 Sri.K.Buchimnaidu, Telecom District Engineer and Arbitrator
Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to and connected with Award of 3rd respondent No.X/ARB/93/VM-7097/25 dated 7-7-94 and quash or set aside the same and issue a consequential direction that the petitioner is not liable to pay any amount.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents: K.Narahari .

The Court made the following :

O R D E R:

1) This writ petition is filed challenging the award passed by the 3rd respondent, dated 07.07.1994 holding that the petitioner shall pay an amount of Rs.4,872/- towards the balance of outstanding amount for the period from March 1991 to May 1991 and Rs,19,821/- for the period from June 1991 to August 1991 within a period of one week on the date of receipt of demands from the Telecom District Manager, Visakhapatnam and to set aside the same.

2) The matter relates to the disputed amount in the billing. In pursuance of the earlier directions of this Court, the Civil Court appointed one K.Buchimnaidu, Telecom District Engineer, Srikakulam District, as Arbitrator for determination of the dispute in respect of Telephone No.VM-7097. On 07.07.1994 the Arbitrator passed an award

assessing the liability of the petitioner for the sums referred to above. Challenging the said award, present writ petition has been filed.

3) The learned counsel for the petitioner submits that the Arbitrator has not given proper opportunity to the petitioner. Hence, the assessment is arbitrary and contrary to the settled principles. The learned counsel also submits that the 3rd respondent himself raised the bill on an earlier occasion and therefore, he not ought to have been appointed arbitrarily.

4) I am afraid, both the contentions cannot be accepted. Except the general averment that the Arbitrator has raised the billing, there is no such averment in the writ petition to the effect that the Arbitrator himself has personally issued the billing. Inasmuch as the award passed by the Arbitrator is concerned, it will not be appropriate for this Court to interfere with the matter, unless there are *mala fides* or errors apparent on the face of the record.

5) I do not find any reason to interfere with the award. The writ petition is, therefore, dismissed. No costs.

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G.BIKSHAPATHY.J.,

Dt.24.02.2004

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To

1. The General Manager, Department of Tele-Communications, Visakhapatnam
2. The Accounts Officer, Tele-Communications, Daba Gardens, Visakhapatnam.

3) 3 CD copies.